

# North Carolina Voter Challenges Overview

Procedure	Who can do it	When and where can it be done	Decision process	Authority
<b>Inspecting registration records*</b> (subject to limitations to protect confidential information)	Any registered voter of the State	Normal business hours, at the CBE office	N/A	G.S. 163-84
<b>Challenging a voter's registration</b> (or vote, if the voter has voted)	Any registered voter of the same <u>county</u> as the challenged voter	Normal business hours, at the CBE office (submitted in writing), but no later than 25 days before the election	The CBE holds a preliminary hearing. If the CBE finds probable cause that the challenged voter is not qualified, then the CBE will then schedule and conduct a full hearing to determine whether the challenge should be sustained or overruled.	G.S. 163-85, 163-86, 163-90, 163-90.1, 163-90.2, 163-90.3
<b>Challenging a voter on the day of the primary or election</b>	Any registered voter of the same <u>county</u> as the challenged voter (or the precinct's chief judge, precinct judge or precinct assistant regardless of the election official's county of residence)	The challenged voter's polling place, on the day of the primary/election	The precinct's chief judge and judges will conduct a hearing, take oaths/affirmations, and make a determination whether the challenge should be sustained or overruled.  In order to have a hearing, the voter must be sworn.  If the challenge is overruled, then the voter should be allowed to vote as usual.  Even if the challenge is sustained, the challenged voter may vote a "challenged ballot" which is sealed and marked as such. The sealed envelope should be preserved.	G.S. 163-87, 163-88, 163-88.1, 163-90, 163-90.1, 163-90.2, 163-90.3
<b>Challenging a mail-in absentee voter</b>	Any registered voter of the <u>precinct</u> as the challenged voter (or the chief judge of the challenged voter's precinct)	At the CBE office, between noon and 5:00 p.m. on the day of the primary or election, OR, at the polling place on the day of the primary or election, by the precinct's chief judge, if the chief judge receives an absentee ballot of a voter who is recorded as already voted, OR if the ballot is postmarked on the day of the primary or election or before, and received after the day of the primary or election, at the CBE office between noon on the day following the election and 5:00 p.m. of the fourth business day after primary or election.	The County Board of Elections holds a hearing on the day of county canvass for the primary or election.  If the challenge is overruled, then the container-return envelope is opened and the vote is counted.  If the challenge is sustained, the ballot remains sealed and is marked as such. The sealed envelope should be preserved as such for a period of at least 6 months, or longer if any contest is pending concerning the validity of the absentee ballot.	163-89, 163-90, 163-90.1, 163-90.2, 163-90.3, 163-231(b), 163-232, 163-258.26(b)
<b>Challenging a one-stop absentee voter</b>	Any registered voter of the <u>precinct</u> as the challenged voter, or by a one-stop worker (or the chief judge of the challenged voter's precinct, or by the County Board of Elections if the absentee ballot is not approved)	A voter may be challenged before or while in the act of voting at a one-stop site by a voter of the same precinct or by a one-stop worker.  If the County Board of Elections rules to disapprove a one-stop absentee ballot during an absentee meeting, it shall also issue a challenge to the voter.  Otherwise, a challenge can be made in the same manner as for mail-in absentee votes, see above.	The County Board of Elections holds a hearing on the day of county canvass for the primary or election.  If the challenge is overruled, then the container-return envelope is opened and the vote is counted.  If the challenge is sustained, the ballot remains sealed and is marked as such. The sealed envelope should be preserved as such for a period of at least 6 months, or longer if any contest is pending concerning the validity of the absentee ballot.	163-89, 163-90, 163-90.1, 163-90.2, 163-90.3, 163-227.2(d), (h), 163-232

**Burden of proof:** The burden of proof is always upon the challenger, not the voter. G.S. 163-90.1.

**Appeal process:** Appeals of any voter challenge go to the county's Superior Court and must be made within 10 days of the County Board of Elections' decision. G.S. 163-90.2(d).